

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Friday
June 2, 1989

Senate called to Order by the President.

Prayer by Reverend Patricia Serfes of St. Stephen the Martyr Episcopal Mission Church in Gorham.

REVEREND SERFES: Let us pray. O God, the fountain of wisdom, Whose will is good and gracious and Whose law is truth, we ask You to guide and bless our Senators of the State of Maine, that they may Enact such laws as may please You. Almighty God, Who created us in Your own image, grant us grace fearlessly to contend against evil and to make no peace with oppression. And so we may reverently use our freedom, help us to employ it in the maintenance of justice in our communities and among all nations. Let Your spirit go forth, that it may renew the face of the earth. Show forth Your loving kindness, that You may save us from selfish use of what You give, that men and women everywhere may give You thanks.

Lord, Christ, when You came among us, You proclaimed that kingdom of God and villages, towns, and lonely places, grant that Your presence and power may be known throughout this land. Have mercy upon all who live and work in the urban and rural areas of this great State of Maine and grant that all people of our state may give thanks to You for food and drink and all of their bodily necessities of life. Respect those who labor to produce them and honor the land and water from which these good things come.

Lord, send down upon those who hold office in this State Senate, the spirit of wisdom, charity, justice, and humility, that with steadfast purposes they may faithfully serve in their positions to promote the well-being of all people. Most gracious God, we humbly ask You for the people of Maine in general and especially for these men and women assembled here, to direct and prosper all their consultations to the advancement of Your glory, the good of the church, the safety, honor, and welfare of all Your people that all things may be so ordered and settled by their endeavors upon the best and surest foundations that peace and happiness, truth and justice, religion and piety may be established among us for all generations. These and all other necessities for them, for us, and for our church, we ask in the name and mediation of Jesus Christ, our most blessed Lord and Saviour. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Provide Assistance to Vietnam Veterans and Atomic Veterans and to Establish the Commission on Vietnam and Atomic Veterans" (Emergency)

H.P. 33 L.D. 33
(H "A" H-274 to C "A"
H-235)

In Senate, May 26, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235) AS

AMENDED BY HOUSE AMENDMENT "A" (H-274), thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235) AS AMENDED BY HOUSE AMENDMENT "B" (H-365), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Amend the Animal Welfare Laws"
H.P. 397 L.D. 528
(C "A" H-251)

In Senate, May 26, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251) AS AMENDED BY HOUSE AMENDMENT "A" (H-368), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Concerning Teacher Employment"
H.P. 486 L.D. 666
(S "A" S-171 to C "A"
H-163)

In House, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163) AS AMENDED BY HOUSE AMENDMENT "B" (H-298), thereto.

In Senate, May 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163) AS AMENDED BY SENATE AMENDMENT "A" (S-171) thereto in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Create the Local Government Records Board"
S.P. 410 L.D. 1076

In Senate, May 23, 1989, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-367) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State" (Emergency)

H.P. 1019 L.D. 1420

In Senate, May 25, 1989, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-366) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication: S.P. 625
114TH LEGISLATURE
June 1, 1989

Senator Stephen C. Estes
Representative Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Virginia S. Spiller of York for appointment as a member of the State Board of Education.

Pursuant to Title 20, M.R.S.A. Section 51, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on EDUCATION.

Sent down for concurrence.

The Following Communication: S.P. 626
114TH MAINE LEGISLATURE
June 1, 1989

Senator Stephen C. Estes
Representative Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Sally G. Vamvakias of Falmouth, Ralph Hodgkins, Jr. of Auburn and Duane "Buzz" Fitzgerald of Bath for appointments to the University of Maine Board of Trustees.

Pursuant to Title 26, M.R.S.A. Section 1022, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on EDUCATION.

Sent down for concurrence.

The Following Communication:
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 1, 1989

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Barbara S. Powers of Cape Elizabeth, for appointment to the Civil Service Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 10
NAYS: 0
ABSENT: 0

13 members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Barbara S.

Powers of Cape Elizabeth, for appointment to the Civil Service Appeals Board be confirmed.

Sincerely,

S/Georgette B. Berube S/Ruth Joseph
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Barbara S. Powers of Cape Elizabeth, for appointment to the Civil Services Appeals Board, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Barbara S. Powers, for appointment to the Civil Services Appeals Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Increase the Funds Available to the Mental Health Crisis Intervention Service in York County"

S.P. 622 L.D. 1719

Presented by Senator DUTREMBLE of York

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Require Proration of Workers' Compensation Rates for Employees Who Perform Work Falling Under More than One Classification"

S.P. 623 L.D. 1720

Presented by Senator DUTREMBLE of York

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Committee on LABOR suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.

Resolve, Reimbursing Certain Municipalities for Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (Emergency)
S.P. 624 L.D. 1721
Presented by Senator LUDWIG of Aroostook
Cosponsored by Representative HICHBORN of LaGrange
Which was referred to the Committee on TAXATION and ORDERED PRINTED.
Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a Contingency Account for Certain Municipalities"

H.P. 912 L.D. 1278

The Committee on LABOR on Bill "An Act to Provide Stipend Payments under the Workers' Compensation Act to Claimants Whose Cases Are Not Resolved within 2 Years"

H.P. 1084 L.D. 1506

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Improve Public Access to Public Hearing Records of the Department of Environmental Protection and the Board of Environmental Protection"

H.P. 960 L.D. 1338

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on EDUCATION on Bill "An Act to Alter Cost-sharing Agreements Among Municipalities in School Administrative Districts"

H.P. 1066 L.D. 1488

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Provide Funding for Homestead Land Trusts"

H.P. 933 L.D. 1299

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act for the 1989 Amendments to the Maine Housing Authorities Act"

H.P. 1088 L.D. 1510

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Ensure that Certain Homeowners May Remain in Their Own Homes Regardless of Zoning"

H.P. 1198 L.D. 1665

The Committee on HUMAN RESOURCES on Bill "An Act to Extend ASPIRE Transitional Medical Coverage"

H.P. 996 L.D. 1385

The Committee on HUMAN RESOURCES on Bill "An Act to Extend Medical Assistance under and Clarify Certain Provisions of the Additional Support for People in Retraining and Education Program"

H.P. 1072 L.D. 1494

The Committee on JUDICIARY on Bill "An Act Relating to Discrimination by Licensing Agencies which Affect Employment Eligibility or Professional Status"

H.P. 945 L.D. 1313

The Committee on LEGAL AFFAIRS on Bill "An Act to Change the Date for Statewide Primary Elections"

H.P. 690 L.D. 942

The Committee on TRANSPORTATION on Bill "An Act to Provide Funds for Preparation and Training of Class I and Class II Drivers" (Emergency)

H.P. 1183 L.D. 1638

The Committee on UTILITIES on Bill "An Act to Protect the Water Quality of Hobbs' Pond and Fish's Pond"

H.P. 682 L.D. 934

Ought to Pass

The Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing and Directing the Bureau of Public Lands to Convey Title to a Certain Parcel of Land in Augusta to the Maine Veterans' Homes Subject to Certain Conditions

H.P. 1212 L.D. 1684

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE.

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-208) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. The Amendment simply adds a fiscal note. I will be offering an identical Amendment to the next Bill. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-208) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Conveyance of Certain Public Lands

H.P. 1213 L.D. 1685

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Resolve READ TWICE.

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-207) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Change the Listing Procedure on Town Warrants"

H.P. 1132 L.D. 1575

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass as Amended

The Committee on AGRICULTURE on Bill "An Act to Require Country of Origin Labeling on Fresh Produce"
H.P. 591 L.D. 809

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-329).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-329).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-329) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AGRICULTURE on Bill "An Act to Provide Final Price Disclosure to Potato Growers"
H.P. 841 L.D. 1173

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-330).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-330).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-330) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Ensure Public Access to the Shoreland Zone"
H.P. 415 L.D. 558

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-331).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-331) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Resolve, to Study the Creation of a State Park at the Bangor Mental Health Institute Facility
H.P. 981 L.D. 1359

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-343).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-343) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Regulate Water Flowage over Hydropower Dams"

H.P. 1086 L.D. 1508

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-332).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-332).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-332) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Criminalize Marijuana"
H.P. 294 L.D. 406

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-333).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-333).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-333) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Allow the Consideration of Foreign Convictions in Drug Cases"
H.P. 741 L.D. 1024

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-335).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-335).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-335) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Increase the Penalties for Repeat Violations of the Prostitution Laws"
H.P. 757 L.D. 1061

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-338).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-338) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Provide a Fee Adjustment for Civil Process Servers"
H.P. 781 L.D. 1093

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-327).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-327).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-327) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Increase the Penalty for Drug Crimes Committed while in Possession of a Firearm"

H.P. 804 L.D. 1116

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-324).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-324).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-324) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Prohibit the Sale of Unlawful Drugs in or near Schools"

H.P. 816 L.D. 1144

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-342).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-342) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Provide for the Forfeiture of Firearms Used to Commit Crimes"

H.P. 820 L.D. 1148

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-337).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-337) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Strengthen Criminal Drug Laws in the State by Allowing Forfeiture of Firearms and Other Dangerous Weapons"

H.P. 826 L.D. 1158

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-336).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-336).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-336) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act Concerning the Rights of a Father to Bring a Paternity Action"

H.P. 847 L.D. 1179

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-326).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-326) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Increase the Punishment for Trafficking in Cocaine"

H.P. 924 L.D. 1290

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-339).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-339).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-339) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Maine Administrative Procedure Act"

H.P. 883 L.D. 1227

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-328).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-328).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-328) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act Concerning Public Water Supplies in the Mid-coast Area"

H.P. 1202 L.D. 1672

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-340).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-340) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator BOST for the Committee on EDUCATION on Resolve, to Establish a Select Study Commission to Study Educational Voucher Systems

S.P. 492 L.D. 1334

Senator GILL for the Committee on EDUCATION on Resolve, to Establish a Commission to Study the Provision of Services by Schools for Students Leaving Substance Abuse Treatment Centers (Emergency)

S.P. 525 L.D. 1442

Senator ESTES for the Committee on EDUCATION on Resolve, Funding a Bachelors of Science in Nursing Program at the University of Maine at Augusta

S.P. 526 L.D. 1443

Senator ESTY for the Committee on LABOR on Bill "An Act Regarding Appeals Under the Workers' Compensation Law to Prevent Substantial Injustice to Injured Workers"

S.P. 466 L.D. 1251

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator GILL for the Committee on EDUCATION on Bill "An Act to Provide Greater Legislative Oversight of Teacher and Administrative Certification"

S.P. 524 L.D. 1441

Senator WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Resolve, to Provide for the Evaluation of Financing Available to Small Businesses for Exporting

S.P. 48 L.D. 21

Senator WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Assess Product and Technology Development in the State and to Reduce Barriers to Innovations in Technology and Production"

S.P. 57 L.D. 40

Senator WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Enable Maine to Seize the Opportunities and Meet the Challenges in International Trade"

S.P. 58 L.D. 41

Senator WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Make More Effective Use of Maine's Public and Private Higher Educational Institutions as Sources of Input for Public Policy"

S.P. 59 L.D. 42

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Require Nursing Facilities to File Notice of Intent to Withdraw from the Medicaid Program and to Ensure the Continuing Provision of Services to all Residents in the Facility at the Time of Withdrawal"

S.P. 342 L.D. 912

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Provide for Ladders of Advancement in the Health Care Profession"

S.P. 471 L.D. 1268

Senator MATTHEWS for the Committee on LABOR on Bill "An Act to Establish a Statewide Contract for Teachers"

S.P. 539 L.D. 1474

Senator ESTY for the Committee on LABOR on Bill "An Act to Encourage Further Negotiations in Labor Disputes"

S.P. 542 L.D. 1513

Ought to Pass

Senator BUSTIN for the Joint Select Committee on CORRECTIONS on Bill "An Act to Provide a Secure Treatment Facility at the Maine Youth Center"

S.P. 90 L.D. 95

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Prohibit the Irradiation Within the State of Food for Human or Animal Consumption"

S.P. 533 L.D. 1468

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Expand the Health Occupations Training Project"

S.P. 535 L.D. 1470

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-189).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-189) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act Providing for the 1989 Amendments Pertaining to the Finance Authority of Maine Act"

S.P. 316 L.D. 821

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-195).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-195) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act Regarding the Potential Health Hazards of Paint Removal by Means of Heat"

S.P. 501 L.D. 1375

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-192).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-192) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ESTY for the Committee on LABOR on Bill "An Act to Increase the Family Allowance under the Unemployment Compensation Law"

S.P. 344 L.D. 914

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-194).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-194) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act Relating to the Reemployment of Injured Workers Under the Workers' Compensation Act"

S.P. 339 L.D. 900

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-193).

Signed:

Senators:

ESTY of Cumberland

MATTHEWS of Kennebec

Representatives:

MCKEEN of Windham

MCHENRY of Madawaska

LUTHER of Mexico

RAND of Portland

TAMMARO of Baileyville

RUHLIN of Brewer

PINEAU of Jay

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

BUTLAND of Cumberland

MCCORMICK of Rockport

REED of Falmouth

Which Reports were READ.

Senator ESTY of Cumberland, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Whitmore.

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. This is probably between now and the next three weeks really the first time of several times that Reports from this Committee are going to come out in this fashion. A lot of the Bills that have been filed through this session, have had to do with workers' compensation. Now, workers' compensation is a subject that we debated long and hard in previous Legislatures and I don't think, for those of you who were here previously, that I have to go into a lot of historical data other than to say that we all recognize that the Workers' Compensation System was in disrepair and in a crisis situation some two to three years ago. In my view, I have seen through some of the legislation filed, is that some of the changes that were made, and this really isn't one of them that was from the 1987 reform, but are attempts to dismantle or further encumber the System and I am really afraid that if we allow deterioration of the System or picking it apart piece by piece, that we will end up into a crisis situation, not unlike what we had two or three years ago.

In this particular Bill, by virtue of Committee Amendment "A" (S-193) which you all have before you, was the first that I have seen for setting up dual standards within the Workers' Compensation System where we have segregated size of employers as to what

their rights and responsibilities are. Clearly in this particular piece of legislation, the current law creates an obligation for an employer to reinstate the injured employee to suitable employment until one year after the employee reaches maximum medical improvement. I think that the function of the System and I think every employer in this state wants to return an injured employee to become productive and come back to work to a normal situation as quickly as possible.

From the point that they meet maximum medical improvement today they have one year to do that to encourage them to get back to work as quickly as possible. What this Amendment does is stretches that out to two years if the employer has more than two hundred and fifty employees. I think, as you can see, this is designed to segregate and separate size of employers within the state. Frankly, I think it delays the employee making that decision of returning to work.

During the Special Session of the Legislature in 1987, major reform for the Workers' Compensation System was Enacted. The process was painful and there was a lot of tugging and stretching on both sides. The compromise that was reached was a result of both labor and management working on the issues. The third factor was the unwillingness of the workers' compensation carriers to continue to stay in the System and be a player unless there were some major changes. Those major changes have to include on a point system. It meant sacrifices on both sides. Now it only addresses employers of two hundred and fifty employees. I happen to come from a small business community and without being nailed to an exact number I think I have heard something in the neighborhood of small employers in this state I guess constitute about eighty-five percent of the employers. Considering there are four hundred and seventy-five thousand employed workers in the State of Maine, and these figures were received from the Department of Labor in response to three questions that I asked them. The total number of employees in the state, the total number of workers that were organized labor in some fashion, and the total number of paper workers in the state. Out of the four hundred and seventy-five thousand, a little over seventy-nine thousand were organized in some fashion. About eleven thousand, five hundred were paper workers. I see much of the legislation coming out as maybe directed in one direction, which I feel is unfortunate, but when you specify a dual level and two hundred and fifty employees a little bit later on you are going to see some legislation that comes down that says two hundred and fifty employees engaged in manufacturing, period. I guess you can draw your own conclusions. I guess I have arrived at mine. I would ask you to vote against the pending motion. I think it sets up two standards. I think it extends the period of time where that person is encouraged to return to work. They will argue and say that it gives them the opportunity to go two years, but case history, as we were provided with information that, says that employees often put off rehabilitation aren't returning to work until they are finally forced to do so. If we stretch that out, I don't think that is speeding up the time for them to return to a normal lifestyle. Thank you Mr. President.

Senator WHITMORE of Androscoggin requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Androscoggin, Senator Whitmore, has

alluded to the fact that the Labor Committee will be having a number of Divided Reports in the next few weeks and that is certainly true. There are deep philosophical differences in how labor and management should be treated and should be treating each other. In as far as workers' compensation Bills this session have been concerned, the Labor Committee has received a great number of those. The Labor Committee has responsibly addressed those concerns using two criteria at the very beginning. The criteria that the Labor Committee has used has been to consider first if any workers' compensation Bill would have a dramatic, adverse impact on rates. Secondly, would the workers' compensation Bills that we have seen, and there have been many of them, change the reforms of 1987. If any of those answers were not in the affirmative, the Labor Committee, rather than dealing with it in a partisan fashion, has responsibly said that we don't want to do those things at this point in time. We would prefer to allow the changes that occurred in 1987 to have the opportunity to take place and see how they will work. However, workers' compensation did not begin in 1987, there are many, many other areas of the Workers' Compensation Act that can be fine tuned to the benefit of employees and employers. This is one of those. We have tried to choose responsible areas in which we could improve the System for everyone and fine tune it without dramatically changing or effecting the rates.

This was a Bill that initially had broader ramifications, we eliminated those broad ramifications, many of which the good Senator from Androscoggin has referred to. Instead, we were very deliberate and we worked the Bill extensively. I frankly thought that when we were done with the compromises that we had, I firmly expected it would be an unanimous Report, since we worked together so well on this issue. I was very surprised that it wasn't.

The Amendment completely replaces the original Bill. It extends an employers obligation to reinstate an injured employee to suitable work from one year to two years if the employer has over two hundred and fifty full-time and part-time employees. This Amendment strengthens certain injured employees rights to return to work with their former employers, but prevents the addition of any unreasonable burden on small employers. We did not want to burden small employers in the State of Maine at all and that is why we addressed the issue in this fashion. Small employers do not have the amount of positions available within their business to offer reemployment. So, we wanted to make that distinction.

This Amendment is tremendously limited in scope, intentionally, because the Committee attempted to address a problem in that fashion. This Amendment benefits all parties involved. Employees have a chance to go back to work, have an opportunity to do that, over an one year period of time in certain large business. Workers' Compensation rates potentially can be reduced, since more workers will have an opportunity to go back to work. This section is not part of the reforms of 1987. Under current law, an employee is obligated to go back to work if an employer dictates that there is a job available for them. This Amendment simply extends by one year the time that an employee has an opportunity to be rehired, if there is a job available that the employee can do. Large companies, again, have the ability to provide more opportunities to those employees who are ready to go back to work. I think it was a very responsible and limited piece of legislation. There may be times when we have Divided

Reports in this Body that are clearly different in philosophy. This was one that I thought we had worked very well. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I just want to respond to just a couple of things. The good Senator from Androscoggin, Senator Whitmore, has made a couple of statements on the floor and I would like to respond to them. Before I do, I want to take a moment to commend the efforts of the good Senator from Cumberland, Senator Esty. This is my first time on the Labor Committee and so far in my Legislative career managed to escape that assignment and now I am asked to do some work on the Labor Committee. The issues are very complicated, very complex, there are divisions on those issues, and my hat is off to the Senator from Cumberland, Senator Esty, as the Chair of the Committee. He has worked tirelessly, he has worked to forge compromise, he has worked to make sure we don't lose sight of the essence of the issue and the importance of the issue. We may see some Divided Reports coming up later on in this session, but I can tell you that if you do, it is not because a lot of effort hasn't been attempted to work bipartisanly in the Committee, to work and understand the position of all the players; labor, management, the Governor's office, the Legislature, all the factors, and we are going to continue to do that.

This is a very simple Bill. It gives a little more time to working people who are injured to go back to work, to have an opportunity to a good quality job. Why the distinction of two hundred and fifty employees? Ladies and gentlemen, I think you just have to look at the issue. The larger employer has more opportunities to rehire, has more ability to find suitable work for a returning to work employee. That is why. The concerns of small businesses has been mentioned by the good Senator from Cumberland, Senator Esty. The good gentleman from Androscoggin, made reference to organized labor and the implication was that organized labor is trying to reverse the efforts made by previous Committees in the Legislature. I would just state for the Record that it is organized labor that does represent working men and women in this state. I don't know of any other union or association, other than the AFL-CIO, that is here and able to put forward the concerns of working people. I think those concerns not only apply to unionized workers, but they also apply to those of the non-union. I think that is a healthy added involvement in our System and one which I think all of us here should be thankful for. This is a good Bill, we have a good Committee, and a Chairman who has done a good job. I ask for your support.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to pose a question through the Chair to someone on the Committee. As I read this Amendment, it appears that it is very simple. The thing that concerns me is if you look at current law it says, "after the employee has reached the maximum medical improvement." It seems to me that if somebody gets injured, they are working at a paper mill some place, and they may be off the job for two or three years. According to currently law, once they reach maximum medical improvement, the employer has to find a job for them, within a year, the same job they were doing. At what point do you have a cut off? Why are you saying two years? Why don't we make it forever? It seems to me that once they have reached their

maximum medical improvement, if the company could find a job for them they would. I don't happen to have the viewpoint that all the companies out there are the bad guy and perhaps they would try to find a place for them. I know I have relatives of mine who have been injured, who have worked for big companies, and they went in and did a different job because they couldn't do the same job. I don't understand the need for this Bill. I think the key to this whole matter is once they have reached the maximum medical improvement, once they are the most healed they can be, I see no reason to give them more than a year, to require the employer more than a year. Another thing I don't understand about this Amendment is, I mean I understand who we are trying to get at, but I think we ought to say that right out who we are trying to get at. There aren't too many employers in this state who employ two hundred and fifty people. I guess I am wondering why this is necessary and I would ask a member of the Committee who supports this Amendment to stand up and enlighten us as to why we need this Bill.

THE PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. It had been suggested that if an injured employee had reached maximum medical improvement, why should an employer try to find him a job as long as it takes? In fact, the suggestion in the initial Bill had been that it should be at least three years. It presently is one year. It had been suggested by labor that it should be at least eight years if not indefinitely, as had been suggested by the good Senator from Franklin. We, in fact, tried to reasonably address that issue in the smallest way possible and improve it to two years which would not provide any undue hardship to a large employer who has the capacity to find many varied and different jobs. We did not want to extend it forever, another reason being, as the Senator from Androscoggin had suggested, that there may be a point in time which an employee reasonably should be looking at other alternatives. So, we thought this was a very fair way to address this issue. Again, we did limit it to large employers, over two hundred and fifty people, not because we wanted to get at anyone. That has not been the intent of the Committee at all. The Labor Committee has not used that approach or we would have had Divided Reports from the first day. There are so many issues which could have been settled in that fashion. Instead, we wanted to make sure that we would incredibly reasonable to the concerns that small businesses have and that we would not cause any undue or unreasonable burden on small businesses. It was that approach, a positive approach, that was used by the Committee to address this issue in a narrow and reasonable fashion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I can understand quite well the frustrations of the Labor Committee, having spent a little time there in the last two years. I promised the good Senator from York, Senator Dutremble, that I would never speak again on a labor matter, but I would like to raise a thought today. Today I had the pleasure of appearing before that Committee and as a cosponsor on the rehabilitation Bill which seems to me plugs in rather neatly to the Bill today. Essentially, I think that

the one year, after maximum medical improvement, present law is a reasonable one. I really can't think of a reason why that ought to be doubled except in those instances where a rehabilitation program is in process for the injured worker and he has already passed his maximum medical improvement, but that the program might perhaps take fifteen months or eighteen months before he could really return to work in a like type job. It seems to me that there might be an instance in that case where it would be reasonable to extend the time of return. The Committee just received that Bill today and it is a lengthy and complicated Bill and I just wonder if it might not be better to address that problem in that Bill. To suggest that we should immediately double the time that an employer must make a commitment to take an injured worker back to work, it seems to me rather heavy doing. I would suggest that we reject the Bill at this time and the Committee might consider that in the rehabilitation Bill, which is currently before them. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The original Bill, presented by Senator Hobbins, was very broad in scope. It dealt in two major areas, rehiring and retraining. What we have done with the entire retraining issue that the Senator from Aroostook has referred to, is to, in fact, delete that. We took all language concerning rehabilitation out of this Bill because the issue concerning rehabilitation and retraining should properly be addressed in the Bill that we heard this morning. So, that was deleted as a concern of the Labor Committee so we could use the forum that Senator Collins of Aroostook, had referred to. We agree with that point. The rehiring issue is separate and distinct from that point. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator ESTY of Cumberland, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, FAILED.

Senator WHITMORE of Androscoggin, moved to ACCEPT the Minority OUGHT NOT TO PASS Report.

Senator CLARK of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WHITMORE of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator WHITMORE of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator WHITMORE of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report, FAILED.

Both Reports having FAILED, the original Bill was presented for First Reading.

Senator WEBSTER of Franklin, moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

Senator GAUVREAU of Androscoggin requested a Division.

On motion by Senator WEBSTER of Franklin, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A vote of Yes will be in favor of INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, LUDWIG, PERKINS, RANDALL, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, with No Senators being absent, the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Senator GAUVREAU of Androscoggin, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

Senator CAHILL of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator GAUVREAU of Androscoggin, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

A Division has been requested.

Will all those Senators in favor of the motion by Senator GAUVREAU of Androscoggin, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator GAUVREAU of Androscoggin, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-193) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Bill "An Act Concerning Pilferage of Shopping Carts and Bakery and Milk Product Containers"

H.P. 106 L.D. 143
(H "A" H-344 to C "A" H-292)

Bill "An Act Concerning the Operation of Motor Vehicles on Private Lands"

H.P. 274 L.D. 386
(C "A" H-318)

Bill "An Act to Reform the Maine Board of Professional Surveyors Law"

H.P. 513 L.D. 693
(H "A" H-320 to C "A" H-311)

Bill "An Act Concerning Bed and Breakfast Establishments"

H.P. 803 L.D. 1115
(C "A" H-313)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case Involving the Shell Oil Company" (Emergency)

H.P. 152 L.D. 204
(C "A" H-312)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Bill "An Act for the Preservation of Affordable Rental Housing in Maine"

H.P. 948 L.D. 1316
(H "A" H-321 to C "A" H-295)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 2 Legislative Days, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Bill "An Act to Clarify Provisions of the Subdivision Law"

H.P. 1159 L.D. 1613
(C "A" H-314)

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-205) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Senate

Bill "An Act to Amend the Time within which a Juvenile Detention Hearing Must Be Held"

S.P. 421 L.D. 1132

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations"

S.P. 314 L.D. 819
(C "A" S-187)

Bill "An Act to Equalize State Retiree Health Benefits"

S.P. 493 L.D. 1367
(C "A" S-186)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Implement the Interim Recommendations of the Manufactured Housing Commission
S.P. 71 L.D. 60
(C "A" S-153)

An Act to Strengthen the Regulation of Insurance
S.P. 155 L.D. 275
(C "A" S-140; S "A" S-156)

An Act to Strengthen the Social Worker Training and Education Requirements
S.P. 178 L.D. 335
(C "A" S-152)

An Act to Allow Health Care Practitioners to Report Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshall
S.P. 193 L.D. 430
(C "A" S-145)

An Act to Amend Disorderly Conduct Offenses
H.P. 391 L.D. 522
(C "A" H-268)

An Act to Authorize Designation of Department of Mental Health and Mental Retardation Employees to Appear in Probate Court on Behalf of the Department of Mental Health and Mental Retardation
S.P. 220 L.D. 536
(C "A" S-149)

An Act to Clarify Jurisdiction over Discrimination Cases Based upon Claims under the Workers' Compensation Act
S.P. 258 L.D. 648
(C "A" S-147)

An Act to Promote Equity in the Court Adjudication of Alimony Awards
H.P. 476 L.D. 656
(C "A" H-276)

An Act Concerning Burglary of a Motor Vehicle
H.P. 508 L.D. 688
(C "A" H-267)

An Act Regarding High-speed Chases
S.P. 310 L.D. 815
(C "A" S-143)

An Act to Clarify Motor Vehicle Dealership Insurance Coverage Laws
H.P. 702 L.D. 963
(C "A" H-240)

An Act to Make Dam Owners Responsible for the Proper Functioning of Fishways
H.P. 829 L.D. 1161
(C "A" H-272)

An Act to Provide Visitation and Custody Rights to Grandparents in Cases other than Divorce
H.P. 1036 L.D. 1447

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act to Permit the Reopening of Certain Workers' Compensation Cases
H.P. 74 L.D. 105
(C "A" H-270)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

An Act Relating to State Personnel Administration
S.P. 100 L.D. 119
(H "A" H-271 to C "A" S-104)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

An Act to Strengthen the Penalties against Those Who Intentionally Mislabeled Foods as Natural or Organic
H.P. 644 L.D. 878
(S "A" S-159 to C "A" H-254)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Provide Assistance to Owners of Manufactured Housing
H.P. 908 L.D. 1271
(C "A" H-264)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Resolves

Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing

S.P. 70 L.D. 59
(C "A" S-144)

Resolve, to Study and Consolidate the Laws and Rules Regulating Campgrounds

H.P. 1043 L.D. 1454
(C "A" H-278)

Which were FINALLY PASSED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Adult Protective Services Act
S.P. 435 L.D. 1152
(C "A" S-142)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard

H.P. 48 L.D. 62
(C "A" H-263)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Establishing a Commission to Study the Level of Services for Maine's Elderly Citizens

H.P. 550 L.D. 747
(H "A" H-215 & H "B" H-317 to C "A" H-183)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE.

Emergency Resolve

Resolve, to Amend Deadlines for the Study of the Structure and Operations of the Legislature

H.P. 1228 L.D. 1709

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Strengthen Penalties for Furnishing Liquor to Minors"

H.P. 95 L.D. 130
(C "A" H-287; H "A"
H-316)

Tabled - June 1, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, June 1, 1989, READ A SECOND TIME.)
(In House, May 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287) AND HOUSE AMENDMENT "A" (H-316).)

Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Revise the Asbestos Certification Law"

H.P. 1179 L.D. 1634
(C "A" H-300)

Tabled - June 1, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, June 1, 1989, READ A SECOND TIME.)
(In House, May 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-300).)

On motion by Senator WEBSTER of Franklin, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-300), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-196) to Committee Amendment "A" (H-300) READ and ADOPTED.

Committee Amendment "A" (H-300) as Amended by Senate Amendment "A" (S-196) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Making Changes to the Composition of the Governor's Advisory Council on Alcoholism"

S.P. 506 L.D. 1394
(C "A" S-180)

Tabled - June 1, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED
(In Senate, June 1, 1989, READ A SECOND TIME.)

On motion by Senator BUSTIN of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-180).

On further motion by same Senator, Senate Amendment "A" (S-200) to Committee Amendment "A" (S-180) READ and ADOPTED.

Committee Amendment "A" (S-180) as Amended by Senate Amendment "A" (S-200) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the State Fire Marshal

S.P. 116 L.D. 182
(C "A" S-133)

Tabled - June 1, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, May 23, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE "A" (S-133).)

(In House, May 30, 1989, PASSED TO BE ENACTED.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending ENACTMENT.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

An Act Regulating the Sale of Grave Markers by Funeral Establishments

H.P. 434 L.D. 599
(C "A" H-241)

Tabled - June 1, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE "A" (H-241).)

(In House, May 30, 1989, PASSED TO BE ENACTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following matter:

Emergency

An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991

H.P. 365 L.D. 496
(C "A" H-126; S "A"
S-88)

Tabled - May 18, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, May 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126) AND SENATE AMENDMENT "A" (S-88).)

(In House, May 11, 1989, PASSED TO BE ENACTED.)

On motion by Senator KANY of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill as PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

On further motion by same Senator, Senate Amendment "E" (S-201) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I just wanted to note that in offering Senate Amendment "E" to this Bill, which is an Appropriations Bill, that it should be a warning to all of us to never even consider to offer an Amendment to an Appropriations Bill.

On further motion by same Senator, Senate Amendment "E" (S-201) ADOPTED.

Senate at Ease

Senate called to order by the President.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following matter:

Bill "An Act to Improve Regulatory Oversight of Health Maintenance Organizations"

H.P. 205 L.D. 285

(C "A" H-259)

Tabled - June 1, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, May 26, 1989, READ A SECOND TIME.)

(In House, May 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"(H-259).)

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-197) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator ERWIN of Oxford, the Senate removed from the SPECIAL FISHERIES AND WILDLIFE TABLE the following matter:

Emergency

An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1990 and June 30, 1991

H.P. 115 L.D. 152

Tabled - March 21, 1989, by Senator ERWIN of Oxford.

Pending - ENACTMENT

(In House, March 20, 1989, PASSED TO BE ENACTED.)

(In Senate, March 16, 1989, PASSED TO BE ENGROSSED, in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator ERWIN of Oxford, the Senate removed from the SPECIAL FISHERIES AND WILDLIFE TABLE the following matter:

An Act to Promote Coyote Control

H.P. 146 L.D. 198

(C "A" H-96)

Tabled - May 4, 1989, by Senator ERWIN of Oxford.

Pending - ENACTMENT

(In House, May 3, 1989, PASSED TO BE ENACTED.)

(In Senate, May 1, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96), in concurrence.)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator ERWIN of Oxford, the Senate removed from the SPECIAL FISHERIES AND WILDLIFE TABLE the following matter:

An Act to Provide Complimentary Muzzle-loading Hunting Licenses to Resident Disabled War Veterans

S.P. 231 L.D. 561

(C "A" S-81)

Tabled - May 12, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, May 11, 1989, PASSED TO BE ENACTED.)

(In Senate, May 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81).)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following matter:

HOUSE REPORT - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify How State Reimbursement to Counties for Housing State Prisoners May Be Spent"

H.P. 324 L.D. 440

REPORT - Refer to the Joint Select Committee on CORRECTIONS.

Tabled - May 19, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF REPORT

(In Senate, May 19, 1989, Report READ.)

(In House, May 18, 1989, the Report READ and ACCEPTED and the Bill REFERRED to the Joint Select Committee on CORRECTIONS.)

On motion by Senator CLARK of Cumberland, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Sent down for concurrence.

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to draw your attention to an item that one doesn't get too much time to talk about, because how it was dealt with by a Committee. It deals with item 5-35, a Bill which I put in to study the issue of drug and alcohol abuse among our youth, especially the kids in junior high school and high school. I still have some grave concerns, as all of us do in this Chamber. It is unfortunate to me that the issue didn't get a little more consideration from the Committee, but I understand their concerns, they have a lot of Bills and a lot of tough issues to deal with. I had submitted this Bill almost a year ago and decided that because of other issues that were very closely related to the topic that maybe the whole issue of kids who suffer from drug and alcohol abuse would get some attention. What the involvement of our school systems should be in trying to further their treatment and keep these kids from repeating their use of drugs. This year I put that Bill in and was surprised to see, as all of us were I am sure, the report from the Department of Education back in

January, which gave us the statistics we already knew, that probably twenty percent of our kids in schools are using and abusing drugs on a regular basis. I would hope that the Committee on Education, in its efforts to deal with issues as it always does in a fair way and its paramount concerns for the citizens of the state, will look again at the issue of drug abuse among our young kids and give this issue the importance that it needs to have. It is an urgent crisis in our society, I was glad I put the Bill in, and when I saw the statistics, I was really glad I put the Bill in. Unfortunately, nothing will happen this year, but I think this issue deserves to get studied, and looked at, and recommendations for ways to keep kids on a drug free lifestyle. Thank you.

Off Record Remarks

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

On motion by Senator DUTREMBLE of York, ADJOURNED until Monday, June 5, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
76th Legislative Day
Monday, June 5, 1989

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Nancy Fritz, United Church of Christ, Augusta.

Pledge of Allegiance.

The Journal of Friday, June 2, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 2, 1989

The Honorable John L. Martin

Speaker of the House

114th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State and Local Government, the Governor's nomination of Barbara S. Powers of Cape Elizabeth for appointment to the Civil Service Appeals Board.

Barbara S. Powers is replacing Tobie Nathanson.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Increase the Funds Available to the Mental Health Crisis Intervention Service in York County" (S.P. 622) (L.D. 1719)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Require Proration of Workers' Compensation Rates for Employees Who Perform Work Falling Under More than One Classification" (S.P. 623) (L.D. 1720)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Labor.)

Was referred to the Committee on Labor in non-concurrence and sent up for concurrence.

Resolve, Reimbursing Certain Municipalities for Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (EMERGENCY) (S.P. 624) (L.D. 1721)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Education reporting "Ought Not to Pass" on Resolve, to Establish a Select Study Commission to Study Educational Voucher Systems (S.P. 492) (L.D. 1334)